

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
DIVISION**

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Case No. 18-00205-03-CR-W-RK
)	
JUSTIN DOMONIQUE DAVIS,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGE: On August 8, 2018, the Grand Jury returned a twenty-three-count Indictment charging five defendants¹ with various charges. Defendant Justin Domonique Davis, was charged with the following counts: seven counts of aiding and abetting a robbery under the Hobbs Act (Counts One–Five, and Counts Eight–Nine); conspiracy to commit robbery under the Hobbs Act (Count Ten); seven counts of individually and aiding and abetting others, carrying, possessing, using, and brandishing a firearm, during and in relation to and in furtherance of a crime of violence (Counts Eleven–Fifteen, and Counts Eighteen–Nineteen); conspiracy to possess, carry and use various firearms in furtherance of a crime of violence (Count Twenty); aiding and abetting possession of a firearm having previously been convicted of a crime punishable by imprisonment for a term exceeding one year (Count Twenty-One); aiding and abetting a robbery under the Hobbs Act (Count Twenty-Two); one count of individually and aiding and abetting others, carrying, possessing, using, brandishing, and discharging a firearm, during and in relation to and in furtherance of a crime of violence (Count Twenty-Three).

The following matters were discussed, and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Bruce A. Rhoades and Maureen Brackett
Case Agent: Scott Hamann, paralegal (financial analyst)
Defense: Steven Bradley Willibey and Steve Patton

OUTSTANDING MOTIONS: Objections to the Report and Recommendation (Doc. #175) are due by May 31, 2022.

¹ Co-Defendant Joe Lee Nichols (1) pled guilty on March 11, 2022. Co-Defendant Torrence Demond Key (2) pled guilty on March 24, 2022. Co-Defendant Charles Stephon Porter (4) pled guilty on July 27, 2021. Finally, Co-Defendant Anthony NMN Payne, Jr. (5) pled guilty on January 20, 2022.

04/11/2022	view166	MOTION to sever defendant <i>Counts XXII and XXIII</i> by Justin Domonique Davis. Suggestions in opposition/response due by 4/25/2022 unless otherwise directed by the court. (Willibey, Steven) (Entered: 04/11/2022)
04/15/2022	view169	MOTION to Dismiss Indictment Case by Justin Domonique Davis. Suggestions in opposition/response due by 4/29/2022 unless otherwise directed by the court. (Willibey, Steven) (Entered: 04/15/2022)
05/17/2022	view175	REPORT AND RECOMMENDATION as to Justin Domonique Davis re 169 Motion to Dismiss Indictment. Objections to R&R due by 5/31/2022. Signed on 5/17/2022 by Magistrate Judge Lajuana M. Counts. (Bliss, Sue) (Entered: 05/17/2022)

TRIAL WITNESSES:

Government: 30 with stipulations; less than 40 without stipulations

Defendant: 6 witnesses, including the Defendant

TRIAL EXHIBITS:

Government: approximately 50-70 exhibits, most are videos and photographs

Defendant: approximately 3 exhibits

DEFENSES: General denial

POSSIBLE DISPOSITION:

() Definitely for trial; (X) Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 4 days total

Government's case including jury selection: 3½ day(s)

Defendant: ½ day(s)

STIPULATIONS: No stipulations at this point but the parties are still working on them (interstate nexus etc.)

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit List

Government: Proposed Witness List filed 1/12/2022. Proposed Exhibit List filed 1/25/22. **Updated list(s) due on or before May 24, 2022.**

Defendants: Proposed Witness List filed 1/24/22. **Due/Updated list(s) due on or before May 24, 2022.**

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, if required by the District Court, Voir Dire, Jury Instructions: Due on or before June 1, 2022.

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: Due on or before June 1, 2022.

TRIAL SETTING: Criminal jury trial docket set for June 6, 2022.

Please note: The Government requests the second week to give the parties additional time due to ongoing negotiations between the parties but is available the first week. This case must be on the first or second week of the docket. Please note, a superseding indictment has been entered and will be unsealed toward the end of the week.

IT IS SO ORDERED

/s/ Lajuana M. Counts

LAJUANA M. COUNTS

UNITED STATES MAGISTRATE JUDGE